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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/074,732

02/13/2002

Leo Mathew

SC11805TP

6370

23125

7590

09/20/2005

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EXAMINER

RICHARDS, N DREW

ART UNIT

PAPER NUMBER

2815

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/074732

EXAMINER

ART UNIT

PAPER

10074732

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

1. The information disclosure statement filed 2/22/05 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the references listed on the IDS were known to the individuals designated in 37 CFR 1.56(c) more than three months prior to the filing of the statement. Thus, the statement filed under 37 CFR 1.97(e) is ineffective. Note that the references listed on the IDS filed 2/22/05 were listed on IDS's filed by individuals designated in 37 CFR 1.56(c) in copending application SN 10/443,375, the IDS's in the copending application being filed on 5/22/03 and 11/3/03. The IDS has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

2. The information disclosure statement filed <sup>3/6/05 - mmm</sup> ~~2/22/05~~ fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the references listed on the IDS were known to the individuals designated in 37 CFR 1.56(c) more than three months prior to the filing of the statement. Thus, the statement filed under 37 CFR 1.97(e) is ineffective. Note that the references listed on the IDS filed 2/22/05 were listed on IDS's filed by individuals designated in 37 CFR 1.56(c) in copending application SN 10/443,375, the IDS's in the copending application being filed on 5/22/03 and 11/3/03. Note that citations DA, DD, DE and DI have not been previously been filed in an IDS and thus are considered to be properly filed. These four references have been considered. The IDS has been placed in the application file, but the information referred to therein (with the exception of the four references listed above) has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

3. The information disclosure statement filed 5/16/05 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the references cited therein were not cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of the IDS. The references cited therein were cited in a communication from the US Patent Office, not a foreign Patent Office, in a PCT application, not a counterpart foreign application. Thus, the statement filed under 37 CFR 1.97(e) is ineffective. The IDS has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. Drew Richards whose telephone number is (571) 272-1736. The examiner can normally be reached on Monday-Friday 9:00-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (571) 272-1664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Thomas

~~W. THOMAS~~  
SUPERVISOR, PATENT EXAMINER

  
NDR